

Lowe, Jessica

From: DENGEL, ROBERT (DNR)
Sent: Monday, May 09, 2011 8:58 AM
To: Smith, Adrienne (ATG)
Subject: RE: Discovery Pass

Thanks Adrienne for the follow up. Attorney-Client Privilege/Work-Product
I look forward to Rollinger's phone call.
-Robert

From: Smith, Adrienne (ATG)
Sent: Monday, May 09, 2011 8:46 AM
To: DENGEL, ROBERT (DNR)
Subject: Discovery Pass

Robert- Attorney-Client Privilege/Work-Product
I was out of the office on Friday and I'm out again today. Mike Rollinger is going to give you a call and work with you on implementation.
Adrienne

Lowe, Jessica

From: Rollinger, Michael (ATG)
Sent: Monday, May 09, 2011 11:06 AM
To: DENGEL, ROBERT (DNR)
Subject: Discover Pass Questions/Implementation

Robert—if you have any questions regarding the discover pass legislation, please refer them to me, not Adrienne. Thx

Michael J. Rollinger
Asst. Attorney General
Natural Resources Division
(360) 664-8519
michaelr1@atg.wa.gov

Lowe, Jessica

From: MAUREN, MARK (DNR)
Sent: Tuesday, December 28, 2010 3:15 PM
To: Packard, Heath (DNR)
Subject: FW: EWP Final Edits
Attachments: z-105 6-DNR-AAG-DFW-DNR-DFW 20101222.docx

Importance: High

Categories: High Priority

Hi Heath

- 1) Section 1(1) How about "compromise user safety and enjoyment"
- 2) Section 2(3) Commercial real estate
- 3) Sects 2(8) I don't see a problem
- 4) Section 2(9) I am getting a second opinion
- 5) Section 9 – what can you say ☺
- 6) Rest are ok

Mark

From: Smith, Adrienne (ATG)
Sent: Tuesday, December 28, 2010 10:24 AM
To: Packard, Heath (DNR); MAUREN, MARK (DNR)
Subject: FW: EWP Final Edits
Importance: High

This message is protected by the attorney-client privilege and should not be disclosed.

Attorney-Client Privilege/Work-Product

Attorney-Client Privilege/Work-Product

I hope these comments are helpful. I'd be happy to meet and discuss these and any other issues next week.

Adrienne Smith
Assistant Attorney General
1125 Washington St. SE
Olympia, WA 98504-0100
(360)586-3204
FAX (360)586-2756

From: Larson, Ann (DFW)

Sent: Wednesday, December 22, 2010 12:28 PM

To: Packard, Heath (DNR); Quan, Jennifer L (DFW); MAUREN, MARK (DNR); McLeod, Kathryn (ATG); Shorin III, Joseph (ATG); Smith, Adrienne (ATG)

Cc: Joplin, Bill (DFW); Meacham, Matthew S (DFW)

Subject: EWP Final Edits

Importance: High

My edits are attached. Couple areas of concerns.

- Section 1(1) – my recollection was that we did not even want to mention “compromised safety” per Mankowski. I am OK with leaving the intent language as is and responding to OFM if they have questions.
- Section 2 and 3 are now consistent
- Section 2(5)(a) and 3(5)(a) – this is clearly needed, but I thought we would also offer a reduced penalty for access. If we agree, how much is the reduced penalty?
- Section 2(6)(b)(iii) and 3(6)(b)(iii) - DFW needs to have the ability to sell the parking pass separate or additional (as they are non-transferable) to deal with in order to address the 16-18 year old issue. The language as I have drafted is the cleanest/clearest way to resolve this issue.
- Section 5 – I added consumer price index language based on an example. I’ll ask the code reviser if this is the appropriate way to word.
- Section 20-22 removed – I heard from OFM and was advised not to add the tax language.
- Still unresolved - Temp Fishing license holders must double price of fishing license to get EWP. The 1-3 Day Temporary Combination fishing license-holders would have to pay \$10/\$15/\$20. I think we can deal with this later, but we still need to resolve how temporary fishing licenses are impacted.

Please let me know if there are any additional edits. Mark Lally is around today and would like to send the new draft.

Thanks!

Ann Larson
Legislative Liaison
WDFW

DNR DRAFT 12-17-10

BILL REQ. #: Z-0105.6/11 6th draft

ATTY/TYPIST: ML:ean

BRIEF DESCRIPTION: Reforming recreation access to conserve state lands.

Comment [j1]: How about "State Land Recreation and Conservation Reform"

Comment [hp2]: CANT use AND! I recommend

"Reforming recreation access to conserve state lands" OR

"Reforming recreation to conserve state lands"

Comment [hp3]: We need to strike the "and" and the "act" to satisfy Jason Callahan's hang ups here. Single subject rule suggests leaving out "and" and the title is circular in that it refers back to the act, so the title is basically "an act related to creating an act" which is circular logic. I'm not sure how to fix this. We need "reform" in the title. Here si my best shot:

"Reforming recreation access to conserve state lands"

AN ACT Relating to reforming recreation access to conserve state lands; amending RCW 79.10.140, 77.32.560, 77.32.010, 77.15.750, 7.84.030, 79A.05.160, 43.12.065, 77.15.020, 4.24.210, 43.30.385, 46.17.210, 46.68.435, 77.12.170, 46.10.530, and 79A.25.070; reenacting and amending RCW 46.09.520; adding a new section to chapter 79.10 RCW; adding a new section to chapter 77.32 RCW; adding a new section to chapter 79.02 RCW; adding a new section to chapter 7.84 RCW; creating new sections; repealing RCW 77.32.380; prescribing penalties; and providing an expiration date.

Comment [hp4]: Ditto hp1

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. (1) The legislature finds that there is an increasing demand for outdoor recreation opportunities and conservation measures on lands managed by multiple state agencies. Development and maintenance of outdoor recreation facilities and conservation of lands have not kept pace with this demand. This demand, combined with shrinking resources for management, has led to

the degradation of our lands and could compromise the safety of the recreating public and the conservation of our natural resources.

(2) The legislature further finds that the recreating public cannot readily discern which agency of the state is responsible for the management of particular state lands or which policies apply to those lands.

(3) The legislature further finds that the members of the sustainable recreation work group created in chapter 195, Laws of 2008 developed and delivered recommendations in 2009 to aid the legislature in addressing some of these issues.

(4) The legislature further finds that the department of natural resources has existing authority to recover damages against persons who damage public lands or property managed by that agency. This authority is an essential tool to address unauthorized deleterious impacts from the growing recreational demand on public lands and to conserve our natural resources. It is the intent of this act to provide resources to enable the department to pursue actions to recover damages in appropriate circumstances.

(4) It is the intent of this act to reform and improve access to and management of state lands on a sustainable basis for the recreating public by: Providing an integrated personal and vehicle access permit and access policies for state lands; recovering the cost incurred by the state for operations and management of safe recreation opportunities; providing resources to address the growing demand and impacts of outdoor recreationists and conservation of our natural resources; providing effective education and enforcement of state land access policies; and implementing some of the recommendations of the sustainable recreation work group.

NEW SECTION. **Sec. 2.** A new section is added to chapter 79.10 RCW to read as follows:

(1) The explore Washington pass is created as a permit to access lands owned or managed by the department.

(2) The explore Washington pass includes:

Comment [hp5]: Mankowski wanted this tweaked too. This should do it.

Comment [aa6]: This may admit too much; the agencies don't want to encourage lawsuits. Perhaps it would be better to say "to the detriment of" the recreating public and "efforts" to conserve our natural resources.

Comment [J7]: Like aa5 comments

(a) One personal access permit that individuals nineteen years old or older are required to carry on their person whenever they are on lands owned or managed by the department; and

(b) One vehicle access permit that is required to be clearly displayed in the front windshield of any vehicle parked on lands owned or managed by the department or the department of fish and wildlife so that it is clearly visible from outside of the motor vehicle. The vehicle access permit must contain space for the vehicle's license number. The individual permit holder shall record the vehicle license plate number on the vehicle use permit before parking on lands owned or managed by the department. Motor vehicles that are not required to be licensed by the department of licensing for highway use are exempt from the requirements of this section.

Comment [as8]: This language seems superfluous and the deletion makes the language consistent with (a); if you like the edit, consider making it in section 3 (FW's section), too.

Comment [j9]: Agree with aag too.

Comment [hp10]: Agree with aag.

(3) For purposes of this section, "lands owned or managed by the department" means any area managed for outdoor recreation or fish and wildlife conservation including water access areas, wildlife areas, parking areas, roads, trailheads, and trails under ownership, management, lease, or control of the department, or "public lands" as defined in RCW 79.02.010. The explore Washington pass is not required on private lands, commercial lands owned or managed by the department, state owned aquatic lands other than water access areas, or at department offices, hatcheries, or other facilities where public business is conducted.

(4)(a) Failure to comply with subsection (2)(a) of this section is a natural resource infraction under chapter 7.84 RCW. The department is authorized to issue a notice of infraction to any person who fails to comply with subsection 2(a) of this section.

(b) Failure to comply with subsection 2(b) of this section is a parking infraction that is exempt from the public safety and education assessments found in RCW 3.62.090. Citations issued under this subsection are governed by chapter 7.84 RCW. The department is authorized to issue a notice of infraction to any motor vehicle parked on lands owned or managed by the department if the vehicle does not display a vehicle access permit.

(5) (a) The penalty for failure to comply with the personal access permit requirement in (2) (a) is \$250 dollars.

(b) The penalty for failure to display the vehicle access permit is ninety-nine dollars. This penalty is reduced to fifty-nine dollars if the registered owner provides proof to the court that the registered owner purchased a vehicle access permit within fifteen days after the issuance of the notice of violation.

(6) (a) The explore Washington pass must be made available for purchase through the department of fish and wildlife's automated licensing system, consistent with RCW 77.32.050.

(b) The explore Washington pass must be made available as follows:

(i) Annual personal access and vehicle access permits for those who hold a current valid big game hunting license described in RCW 77.32.450, small game hunting license described in RCW 77.32.460, a western Washington pheasant permit described in RCW 77.32.575, a trapping license described in RCW 77.65.450, a watchable wildlife decal as described in RCW 77.32.560, or a combination, saltwater, or freshwater personal use fishing license described in 77.32.470(2) is five dollars. The licenses and decals in this subsection serve as the personal access permit and meet the requirements of subsection (2) (a) this section;

(ii) An annual personal access and vehicle access permit for all other purchasers is forty dollars;

(iii) A vehicle access permit is five dollars. ; X

(iv) One day personal access and vehicle access permits are ten dollars;

(v) Two day personal access and vehicle access permits are fifteen dollars; and

(vi) Three day personal access and vehicle access permits are twenty dollars.

(7) Fifty percent of the moneys collected from the sale of the explore Washington pass must be deposited into the state wildlife account created in RCW 77.12.170, and fifty percent deposited into the park land trust revolving fund created in RCW 43.30.385.

Comment [a11]: If you are going to establish the penalty for the parking violation in this statute, it would be consistent to establish the penalty for violating the personal permit requirement. As this bill is written, both violations appear to be natural resource infractions governed under RCW 7.84. RCW 7.84 authorizes the Supreme Court to establish penalties, between \$10 and \$500. If you don't fix the personal penalty here, it will be an "unscheduled penalty" in the IRLJ's, which are \$42. I understand from Kathryn that WDFW wants to establish the personal penalty in this bill. Also, if you do, consider whether to allow reduction of the pers... [1]

Comment [hp12]: Agree with aag here... what should we set the fine at? If the range is \$10-\$500, let's land in the middle? \$250?

Comment [j13]: I talked with DFW enforcement on this - what they told me was that there is a Maximum set in statute (\$500) - and that the local courts will set the natu... [2]

Comment [hp14]: As11 came from Kathryn and Adrienne - they are suggesting that if we're establishing a statutory fee for the parking infraction, then we... [3]

Formatted: Highlight

Comment [a15]: It was my understanding that the agencies wanted to allow people under 19 years of age to purchase a separate vehicle access permit.

Comment [j16]: We so need to address how we permit vehicle that come onto our lands driven by 16-18 year olds... I thought we had amended this per a11 comment.

Comment [hp17]: NO - this has been misunderstood... I tried clearer language here.

Comment [MSM18]: Back in October, WDFW Licensing ID'd this issue as needing to get addressed during stakeholder work (see: issue paper from email 10/19). ... [4]

Comment [hp19]: We disagree with Mathew MSM18 - I believe that, in the end we made the opposite determination.

Comment [j20]: Seinors or disabled??? One of our issues that has come up - some earlier language adapted to our joint bill mightbe added to read "An Explore ... [5]

Comment [MSM21]: Reduced license fees will add to complexity and costs to implement. ... [6]

Comment [hp22]: Disagree with MSM21. We CANNOT afford to eliminate existing discounts for disabled or elderly because it is hard to ... [7]

(8) The collection of use charges under the authority of RCW 79.10.140 and additional fees under 77.12.210 is separate from the payment of the fee under subsection (6) of this section.

(9) The commissioner of public lands and the director of fish and wildlife may develop criteria and systems to provide explore Washington passes as compensation to volunteers providing a certain number of volunteer hours on designated state lands projects.

Comment [hp23]: Mankowski wanted this change to tighten up the situation and avoid abuse of giving out free passes.

(10) The explore Washington pass is not required for individuals who have authorization be on state lands owned or managed by the department consistent with their authorization, including, but not limited to, lessees, easement holders, contractors, or volunteers doing work authorized by the department.

Comment [hp24]: I would think that you would want to replicate all of the changes in this section in your section 3. This new sub (10) protects all of our contractors, lessees, and volunteers authorized to work on our lands.

NEW SECTION. Sec. 3. A new section is added to chapter 77.32 RCW to read as follows:

(1) The explore Washington pass is created as a permit to access lands owned or managed by the department.

(2) The explore Washington pass includes:

Comment [aa25]: There may be changes to section 2 that are made that should also be made to this section based on the comments above.

Comment [j26]:

Comment [j27]: All comments in the section above and would apply to WDFW - could we ask the code reviser to do this?

Comment [hp28]: Yes!

Comment [hp29]: Agree w/ aag.

(a) One personal access permit that individuals nineteen years old or older are required to carry on their person whenever they are on lands owned or managed by the department; and

(b) One vehicle access permit that is required to be clearly displayed in the front windshield of any vehicle parked on lands owned or managed by the department so that it is clearly visible from outside of the motor vehicle. The vehicle access permit must contain space for the vehicle's license number. The individual permit holder shall record the vehicle license plate number on the vehicle use permit before parking on lands owned or managed by the department. Motor vehicles that are not required to be licensed by the department of licensing for highway use are exempt from the requirements of this section.

(3) For purposes of this section, "lands owned or managed by the department" means any area managed for outdoor recreation or fish and wildlife conservation including water access areas, wildlife areas, Code Rev/ML:ean

parking areas, roads, trailheads, and trails under ownership, management, lease, or control of the department, or "public lands" as defined in RCW 79.02.010. The explore Washington pass is not required on private lands, commercial lands owned or managed by the department, state owned aquatic lands other than water access areas, or at department offices, hatcheries, or other facilities where public business is conducted.

Comment [ALL30]: wouldn't this need to be consistent with Section 2 DNR?

(4)(a) Failure to comply with subsection (2)(a) of this section is a natural resource infraction under chapter 7.84 RCW. The department is authorized to issue a notice of infraction to any person who fails to comply with subsection 2(a) of this section.

(b) Failure to comply with subsection 2(b) of this section is a parking infraction that is exempt from the public safety and education assessments found in RCW 3.62.090. Citations issued under this subsection are governed by chapter 7.84 RCW. The department is authorized to issue a notice of infraction to any motor vehicle parked on lands owned or managed by the department if the vehicle does not display a vehicle access permit.

(5) (a) The penalty for failure to comply with the personal access permit is (3)(a) is 250 dollars.

(b) The penalty for failure to display the vehicle access permit is ninety-nine dollars. This penalty is reduced to fifty-nine dollars if the registered owner provides proof to the court that the registered owner purchased a vehicle access permit within fifteen days after the issuance of the notice of violation.

(6)(a) The explore Washington pass must be made available for purchase through the department of fish and wildlife's automated licensing system, consistent with RCW 77.32.050.

(b) The explore Washington pass must be made available as follows:

(1) Annual personal access and vehicle access permits for those who hold a current valid big game hunting license described in RCW 77.32.450, small game hunting license described in RCW 77.32.460, a western Washington pheasant permit described in RCW 77.32.575, a trapping license described in RCW 77.65.450, a watchable wildlife decal as described in RCW 77.32.560, or a combination, saltwater, or
Code Rev/ML:ean 6 Z-0105.6/11 6th draft

freshwater personal use fishing license described in 77.32.470(2) is five dollars. The licenses and decals in this subsection serve as the personal access permit and meet the requirements of subsection (2)(a) this section;

(ii) An annual personal access and vehicle access permit for all other purchasers is forty dollars;

(iii) A vehicle access permit is five dollars;

(iv) One day personal access and vehicle access permits are ten dollars;

(v) Two day personal access and vehicle access permits are fifteen dollars; and

(vi) Three day personal access and vehicle access permits are twenty dollars.

(7) Fifty percent of the moneys collected from the sale of the explore Washington pass must be deposited into the state wildlife account created in RCW 77.12.170, and fifty percent deposited into the park land trust revolving fund created in RCW 43.30.385.

(8) The collection of additional fees under the authority of RCW 79.10.140 and 77.12.210 is separate from the payment of the fee under subsection (6) of this section.

(9) The commissioner of public lands and the director of fish and wildlife may develop criteria and systems to provide explore Washington passes as compensation to volunteers providing a certain number of volunteer hours on designated state lands projects

((10)) The explore Washington pass is not required for individuals who have authorization be on state lands owned or managed by the department consistent with their authorization, including, but not limited to, lessees, easement holders, contractors, or volunteers doing work authorized by the department.

NEW SECTION. Sec. 4. By October 1, 2014, the departments of fish and wildlife and natural resources shall submit to the office of financial management and the appropriate committees of the legislature a joint report on the status of the explore Washington pass, the level of service for recreation access, and conservation of the state's lands. The report must

Code Rev/ML:ean 7 Z-0105.6/11 6th draft

include, at a minimum, the status of: Recreation access; need and levels of service, including enforcement; land conservation and management needs; pass collections; and mutual recommendations as to whether the collection disbursements described in sections 2 and 3 of this act are appropriate or should be modified. The recommendations must be based on data collected and analyzed under mutual agreement by both departments. This section expires July 1, 2015.

Section X. RCW 77.32.010 and 2009 c 564 s 956 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a recreational license issued by the director is required to hunt for or take wild animals or wild birds, or to fish for, take, or harvest fish, shellfish, and seaweed. A recreational fishing or shellfish license is not required for carp(~~(, smelt,)~~) and crawfish, and a hunting license is not required for bullfrogs.

(2) An Explore Washington vehicle access permit issued by the department is required to park a motor vehicle upon improved department lands access facilities.

(3) During the 2009-2011 fiscal biennium to enable the implementation of the pilot project established in section 307, chapter 329, Laws of 2008, a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.

Formatted: RCWSLText

Formatted: Highlight

Comment [j31]: Needed to add this to upset #2.

Formatted: Highlight

Comment [MSM32]: Do you mean to say, "A vehicle access permit issued by the Dept is required to park a motor vehicle upon department lands..."

Formatted: Highlight

Formatted: Strikethrough

Formatted: Highlight

Formatted: RCWSLText

Sec. 5. RCW 79.10.140 and 2007 c 241 s 23 are each amended to read as follows:

(1) The department is authorized:

Code Rev/ML:ean

8

Z-0105.6/11 6th draft

((+1+)) (a) To construct, operate, and maintain ((primitive)) outdoor recreation and conservation facilities on lands under its jurisdiction ((which are of primitive character)) when deemed necessary by the department to achieve maximum effective development of such lands and resources consistent with the purposes for which the lands are held. This authority shall be exercised only after review by the recreation and conservation funding board and determination by the recreation and conservation funding board that the department is the most appropriate agency to undertake such construction, operation, and maintenance. Such review is not required for campgrounds designated and prepared or approved by the department;

((+2+)) (b) To acquire right-of-way and develop public access to lands under the jurisdiction of the department and suitable for public outdoor recreation and conservation purposes;

((+3+)) (c) To receive and expend funds from federal and state outdoor recreation funding measures for the purposes of this section and RCW 79A.50.110;

(d) To assess persons with recreation use charges for the privilege of accessing or camping overnight on lands owned or managed by the department.

(i) The recreation use charges are satisfied by the purchase of the explore Washington passes described in sections 2 and 3 of this act.

(ii) Recreation use charges for use of developed campground sites or overnight camping on any lands owned or managed by the department are satisfied by the purchase of a multiday or annual explore Washington pass described in sections 2 and 3 of this act;

(e) To issue licenses for and assess operation use charges for organized events held on lands owned or managed by the department. Organized events includes any gathering of people on lands owned or managed by the department for which participation fees, defined for the purposes of this section to mean registration or entrance fees or donations, are charged or collected for the privilege of participating in the event. Licenses issued by the department to the sponsor of the event must be conditioned on the sponsor's agreement to pay the

department an operation use charge of two hundred dollars or ten percent of the total income from the organized event, whichever is greater. The department may increase the two hundred dollar operation use charge biennially by not more than the change in the consumer price index based on the 12 months immediately preceding the increase. Individual participants in an organized event on public lands must possess a valid explore Washington pass as described in sections 2 and 3 of this act. Moneys collected under authority of this subsection must be deposited into the park land trust revolving fund created in RCW 43.30.385.

(2) For the purposes of this section, the term "lands owned or managed by the department" has the same meaning as defined in sections 2(3) and 3(3) of this act.

Comment [hp33]: Maybe the code reviser can help us with this one?

Comment [as34]: I'm not sure that this is an adequate reference to the CPI for the purpose here. The US Dept of Labor Bureau of Labor Statistics provides information on its web page about using the CPI for escalation applications. One consideration is including the time period during which the CPI change is measured. Is there someone in the department with expertise to determine whether CPI is an appropriate index for this purpose and how it should be referred to here (perhaps an economist?).

Sec. 6. RCW 77.32.560 and 2009 c 333 s 42 are each amended to read as follows:

(1) The department may sell watchable wildlife decals. Proceeds from the sale of the decal must be deposited into the state wildlife account created in RCW 77.12.170 and must be dedicated to the support of the department's watchable wildlife activities. The department may also use proceeds from the sale of the decal for marketing the decal and for marketing watchable wildlife activities in the state.

(2) The term "watchable wildlife activities" includes but is not limited to: Initiating partnerships with communities to jointly develop watchable wildlife projects, building infrastructure to serve wildlife viewers, assisting and training communities in conducting wildlife watching events, developing destination wildlife viewing corridors and trails, tours, maps, brochures, and travel aides, and offering grants to assist rural communities in identifying key wildlife attractions and ways to protect and promote them.

(3) The commission must adopt by rule the cost of the watchable wildlife decal. A person may, at their discretion, contribute more than the cost as set by the commission by rule for the watchable wildlife decal in order to support watchable wildlife activities. ((A

~~person who purchases a watchable wildlife decal must be issued one vehicle use permit free of charge.))~~

Sec. 7. RCW 77.32.010 and 2009 c 564 s 956 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a recreational license issued by the director is required to hunt for or take wild animals or wild birds, fish for, take, or harvest fish, shellfish, and seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.

(2) A permit issued by the department under sections 2 and 3 of this act is required to park a motor vehicle upon ~~((improved))~~ lands owned or managed by the department ~~((access facilities))~~.

(3) During the 2009-2011 fiscal biennium to enable the implementation of the pilot project established in section 307, chapter 329, Laws of 2008, a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.

Sec. 8. RCW 77.15.750 and 2010 c 193 s 9 are each amended to read as follows:

(1) A person is guilty of unlawful use of a department permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the requirement for, issuance of, or use of the permit.

(2)(a) Permits covered under subsection (1) of this section include, but are not limited to, master hunter permits, crab pot removal permits and shellfish pot removal permits under RCW 77.70.500,
Code Rev/ML:ean 11 Z-0105.6/11 6th draft

depredation permits, landowner hunting permits, commercial carp license permits, permits to possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or attend an event requiring a banquet permit from the liquor control board.

(b) Permits excluded from subsection (1) of this section include ~~((fish and wildlife lands vehicle use))~~ permits authorized under sections 2 and 3 of this act, commercial use or activity permits, noncommercial use or activity permits, parking permits, experimental fishery permits, trial commercial fishery permits, and scientific collection permits.

(3) Unlawful use of a department permit is a misdemeanor.

(4) A person is guilty of unlawful use of an experimental fishery permit or a trial commercial fishery permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the issuance or use of the permit.

(5) Unlawful use of an experimental fishery permit or a trial commercial fishery permit is a gross misdemeanor.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Experimental fishery permit" means a permit issued by the director for either:

(i) An "emerging commercial fishery," defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or

(ii) An "expanding commercial fishery," defined as a fishery for a previously classified species in a new area, by a new method, or at a new effort level, for which the department has determined that there is a need to limit participation.

(b) "Trial commercial fishery permit" means a permit issued by the department for trial harvest of a newly classified species or harvest of a previously classified species in a new area or by a new means.

NEW SECTION. Sec. 9. A new section is added to chapter 79.10 RCW to read as follows:

The department may pursue recovery under RCW 79.02.300, and any other action provided by law, against a person accessing public lands for damages caused to public lands, publicly owned personal property or publicly owned improvements to real property on public lands, including, but not limited to, incidents relating to violations of rules adopted by the department, pursuant to RCW Title 79 and Chapters 43.12 and 43.30, concerning public use of public lands.

Comment [35]: Trying to understand what this section does - DNR has authority to do this? Does this mean that DNR can assess damages and seek recovery outside the court of law? My earlier interpretation was that DNR was looking for civil authority... Confused please help.

Comment [hp36]: This is not civil authority. This is recovery of triple damages from culpable parties. This allows us to send them a bill and if they don't voluntarily pay it, pursue the cost recovery through the courts. We have existing authority to do this. We're just putting a finer point on it here.

NEW SECTION. Sec. 10. A new section is added to chapter 7.84 RCW to read as follows:

The director chosen by the state parks and recreation commission, the commissioner of public lands, and the director of the department of fish and wildlife are each authorized to delegate and accept enforcement authority over natural resource infractions to or from the other agencies through an agreement entered into under the interlocal cooperation act, chapter 39.34 RCW.

Comment [hp37]: We have existing authority to seek treble damages, but this puts a finer point on the need to do so and how DNR should use that authority for recreation and other issues.

Sec. 11. RCW 7.84.030 and 2009 c 174 s 1 are each amended to read as follows:

(1) An infraction proceeding is initiated by the issuance and service of a printed notice of infraction and filing of a printed or electronic copy of the notice of infraction.

(2) A notice of infraction may be issued by a person authorized to enforce the provisions of the title or chapter in which the infraction is established, or by a person authorized by an interlocal agreement entered into under section 10 of this act, when the infraction occurs in that person's presence.

(3) A court may issue a notice of infraction if a person authorized to enforce the provisions of the title or chapter in which the infraction is established, or by a person authorized by an interlocal agreement entered into under section 10 of this act, files with the court a written statement that the infraction was committed

in that person's presence or that the officer has reason to believe an infraction was committed.

(4) Service of a notice of infraction issued under subsection (2) or (3) of this section shall be as provided by court rule.

(5) A notice of infraction shall be filed with a court having jurisdiction within five days of issuance, excluding Saturdays, Sundays, and holidays.

Sec. 12. RCW 79A.05.160 and 1965 c 8 s 43.51.170 are each amended to read as follows:

(1) The members of the (~~state parks and recreation~~) commission and (~~such of~~) its designated employees (~~as the commission may designate~~) shall be vested with police powers to enforce the laws of this state.

(2) The director may, under the provisions of limitations of section 10 of this act, enter into an agreement allowing employees of the department of natural resources and the department of fish and wildlife to enforce certain civil infractions created under this title.

Sec. 13. RCW 43.12.065 and 2003 c 53 s 229 are each amended to read as follows:

(1) For the promotion of the public safety and the protection of public property, the department of natural resources may, in accordance with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules pertaining to use by the public of state-owned lands and property which are administered by the department.

(2)(a) Except as otherwise provided in this subsection, a violation of any rule adopted under this section is a misdemeanor.

(b) Except as provided in (c) of this subsection, the department may specify by rule, when not inconsistent with applicable statutes, that violation of such a rule is an infraction under chapter 7.84 RCW(~~(+ PROVIDED, That)~~). However, any violation of a rule relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction.

(c) Violation of such a rule equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

(3) The commissioner of public lands and ~~((such of his or her))~~ those employees as ~~((he or she))~~ the commissioner may designate shall be vested with police powers when enforcing:

(a) The rules of the department adopted under this section;

(b) The civil infractions created under section 2 of this act; or

(c) The general criminal statutes or ordinances of the state or its political subdivisions where enforcement is necessary for the protection of state-owned lands and property.

(4) The commissioner of public lands may, under the provisions of and subject to the limitations of section 10 of this act, enter into an agreement allowing employees of the state parks and recreation commission and the department of fish and wildlife to enforce certain civil infractions created under this section and section 2 of this act.

Comment [as38]: The permit infraction is inserted into RCW 79.10, so this addition ensures that enforcement of the new permit infractions are included in this authority.

Sec. 14. RCW 77.15.020 and 2005 c 321 s 2 are each amended to read as follows:

(1) If the commission or director has authority to adopt a rule that is punishable as a crime under this chapter, then the commission or director may provide that violation of the rule shall be punished with notice of infraction under RCW 7.84.030. Neither the commission nor the director have the authority to adopt a rule providing that a violation punishable as an infraction shall be a crime.

(2) The director may, under the provisions of section 10 of this act, enter into an agreement allowing employees of the state parks and recreation commission and the department of natural resources to enforce certain civil infractions created under this title

Comment [as39]: This may need to say "title" to capture the new permit infraction, which is inserted into RCW 77.32. (I agree.)

Sec. 15. RCW 4.24.210 and 2006 c 212 s 6 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowners or others in lawful possession and control of any lands whether designated resource, Code Rev/ML:ean

expands in any way the doctrine of attractive nuisance. Usage by members of the public, volunteer groups, or other users is permissive and does not support any claim of adverse possession.

(5) For purposes of this section, the following are not fees:

(a) A license or permit issued for statewide use under the authority of chapter 79A.05 RCW or Title 77 RCW; ((and))

(b) The explore Washington pass issued under the authority of sections 2 and 3 of this act;

(c) The use charges required under the authority of RCW 79.10.140;
and

(d) A daily charge not to exceed twenty dollars per person, per day, for access to a publicly owned ORV sports park, as defined in RCW ((46.09.020)) 46.09.310, or other public facility accessed by a highway, street, or nonhighway road for the purposes of off-road vehicle use.

Sec. 16. RCW 43.30.385 and 2009 c 354 s 9 are each amended to read as follows:

(1) The park land trust revolving fund is to be utilized by the department for the purpose of acquiring real property, including all reasonable costs associated with these acquisitions, as a replacement for the property transferred to the state parks and recreation commission, as directed by the legislature in order to maintain the land base of the affected trusts or under RCW 79.22.060 and to receive moneys collected from the sale of the explore Washington pass defined in sections 2 and 3 of this act, the use charges required under RCW 79.10.140, and voluntary contributions for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department. Proceeds from transfers of real property to the state parks and recreation commission or other proceeds identified from transfers of real property as directed by the legislature shall be deposited in this fund. Disbursement from the park land trust revolving fund to acquire replacement property and for operating and maintaining public use and recreation facilities shall be on the authorization of the department. The proceeds from real
Code Rev/ML:ean 17 Z-0105.6/11 6th draft

property transferred or disposed under RCW 79.22.060 must be solely used to purchase replacement forest land, that must be actively managed as a working forest, within the same county as the property transferred or disposed. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(2) The department is authorized to solicit and receive voluntary contributions for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department. The department may seek voluntary contributions from individuals and organizations for this purpose. Voluntary contributions will be deposited into the park land trust revolving fund and used solely for the purpose of public use and recreation facilities operations and maintenance. Voluntary contributions are not considered a fee for use of these facilities.

Sec. 17. RCW 46.17.210 and 2010 c 161 s 520 are each amended to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration under chapter ~~((46.16))~~ 46.16A RCW, the holder of a personalized license plate shall pay an initial fee of ~~((forty-two))~~ fifty-two dollars and ~~((thirty-two))~~ forty-two dollars for each renewal. The personalized license plate fee must be distributed as provided in RCW 46.68.435.

Sec. 18. RCW 46.68.435 and 2010 c 161 s 821 are each amended to read as follows:

(1) All revenue derived from personalized license plate fees provided for in RCW 46.17.210 must be forwarded to the state treasurer and deposited as follows:

(a) Ten dollars to the state wildlife account and used for the management of resources associated with the nonconsumptive use of wildlife;

(b) Two dollars to the wildlife rehabilitation account created under RCW 77.12.471; ~~((and))~~

(c) Ten dollars to the state wildlife account and used for the conservation of threatened and endangered species, designated "Species of Greatest Conservation Need" and the development of watchable wildlife viewing opportunities on department of fish and wildlife lands; and

Comment [aa40]: I assume you mean the WDFW lands here - this statute is not in Title 77.

(d) The remainder to the state wildlife account to be used for the preservation, protection, perpetuation, and enhancement of nongame species of wildlife including, but not limited to, song birds, raptors, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates.

(2) Administrative costs incurred by the department as a direct result of administering the personalized license plate program must be appropriated by the legislature from the state wildlife account from those funds deposited in the account resulting from the sale of personalized license plates. If the actual costs incurred by the department are less than that which has been appropriated by the legislature, the remainder must revert to the state wildlife account.

Sec. 19. RCW 77.12.170 and 2009 c 333 s 13 are each amended to read as follows:

(1) There is established in the state treasury the state wildlife account which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes, unless the property is seized or recovered through a fish, shellfish, or wildlife enforcement action;

(c) The assessment of administrative penalties, and the sale of licenses, permits, tags, and stamps required by chapter 77.32 RCW and RCW 77.65.490, except annual resident adult saltwater and all annual razor clam and shellfish licenses, which shall be deposited into the state general fund;

- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle, Wild on Washington, and Endangered Wildlife license plates and Washington's Wildlife license plate collection as provided in chapter ~~((46-16))~~ 46.17 RCW;
- (f) Articles or wildlife sold by the director under this title;
- (g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320. However, this excludes fish and shellfish overages, and court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action, as such moneys must be deposited pursuant to RCW 77.15.425;
- (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;
- (i) The department's share of revenues from auctions and raffles authorized by the commission; ~~((and))~~
- (j) The sale of watchable wildlife decals under RCW 77.32.560; and
- (k) Moneys collected from the sale of the explore Washington pass created in sections 2 and 3 of this act, which shall be dedicated to stewardship, operations, capital improvements, and maintenance of department lands.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife account.

NEW SECTION. Sec. 20. This act may be known and cited as the state lands recreation and conservation reform act.

NEW SECTION. Sec. 21. Sections 16 and 17 of this act takes effect with registration that are due or will be become due on or after September 1, 2011.

NEW SECTION. Sec. 22. RCW 77.32.380 (Fish and wildlife lands vehicle use permit--Improved access facility--Fee--Youth groups--Display--Transfer between vehicles--Penalty) and 2003 c 317 s 4, 2001 c 243 s 1, 2000 c 107 s 271, 1998 c 87 s 1, 1993 sp.s. c 2 s 77, 1991

Comment [hp41]: John said that he couldn't imagine the changes we're contemplating making to these sections making it though the process but he and I did not talk and I'm not sure I was clear on my message to him what we were thinking. We may not get this though like this unless DOT is on board before submitting it to OFM..

Comment [hp42]: See hp21

Comment [hp43]: See hp21

Comment [hp44]: See hp21

Formatted: Not Strikethrough

Formatted: Strikethrough

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Not Strikethrough

Formatted: Bullets and Numbering

Comment [hp45]: Jason says we can leave this as is with as many "ands" as we want provided we fix the issues in hp1.

Comment [aa46]: I think you are referring to sections 16 and 17 now, but, maybe just section 16?

Formatted: RCWSLText

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

sp.s. c 7 s 12, 1988 c 36 s 52, 1987 c 506 s 90, 1985 c 464 s 11, &
1981 c 310 s 15 are each repealed.

Page 4: [1] Comment [as11] adriennes 12/22/2010 12:04:00 PM

If you are going to establish the penalty for the parking violation in this statute, it would be consistent to establish the penalty for violating the personal permit requirement. As this bill is written, both violations appear to be natural resource infractions governed under RCW 7.84. RCW 7.84 authorizes the Supreme Court to establish penalties, between \$10 and \$500. If you don't fix the personal penalty here, it will be an "unscheduled penalty" in the IRLJ's, which are \$42. I understand from Kathryn that WDFW wants to establish the personal penalty in this bill. Also, if you do, consider whether to allow reduction of the personal penalty, similar to the vehicle penalty.

Page 4: [2] Comment [j13] justincase 12/22/2010 12:04:00 PM

I talked with DFW enforcement on this - what they told me was that there is a Maximum set in statute (\$500)- and that the local courts will set the natural resource infraction locally. We may just want to add language that says will not exceed \$500, and will be determined by local courts - Ann we may want Kathryn to look into this for us.

Page 4: [3] Comment [hp14] hpac490 12/22/2010 12:04:00 PM

Asll came from Kathryn and Adrienne - they are suggesting that if we're establishing a statutory fee for the parking infraction, then we should, for consistency sake do the same for the NR infraction within the existing statutory range. This is why I've suggested \$250.

Page 4: [4] Comment [MSM18] Matthew Meacham (DFW) 12/22/2010 12:04:00 PM

Back in October, WDFW Licensing ID'd this issue as needing to get addressed during stakeholder work (see: issue paper from email 10/19).

Our recommendation at that time:

Separate the Explore WA Pass (EWP) from the Vehicle Access Pass (VAP) and make all standalone VAPs cost \$5 for everyone. In this way, the \$40 EWP would come w/a free VAP, and all other VAP purchases would be \$5.

Pros: Allows sale of needed item to teens; NO SYSTEM CHANGE COSTS; keeps \$5 cost for parking on DFW/DNR lands.

Page 4: [5] Comment [j20] justincase 12/22/2010 12:04:00 PM

Seinors or diabled??? One of our issues that has come up - some earlier language adapted to our joint bill mightbe added to read "An Explore Washington Pass will be issued at \$XXXX for persons over the age of 15 who purchase reduced rate or other discounted licenses including disabled veterans and senior fishers."

Page 4: [6] Comment [MSM21] Matthew Meacham (DFW) 12/22/2010 12:04:00 PM

Reduced license fees will add to complexity and costs to implement.

MURPHY, PEGGY (DNR)

From: Waltenburg, Karen (PARKS)
Sent: Thursday, May 12, 2011 12:57 PM
To: Quan, Jennifer L (DFW); MAUREN, MARK (DNR); Sternback, Mike (PARKS); Dahmer, Paul A (DFW)
Subject: FW: Discover Pass Volunteer Language

Per our discussion this morning, following is the I-9 email from Robert

Attorney-Client Privilege/Work-Product

I will then take it

to the Executive Sponsors on Monday afternoon.

Thank you

Karen Waltenburg
Phone: (360) 902-8649
karen.waltenburg@parks.wa.gov

From: DENGEL, ROBERT (DNR)
Sent: Thursday, May 12, 2011 10:35 AM
To: REDMOND, CHRISTINE (DNR); Waltenburg, Karen (PARKS); Hale, Kathy (PARKS); Sherlock, Stephen E (DFW)
Cc: MAUREN, MARK (DNR)
Subject: RE: Discover Pass Volunteer Language

Hello everyone,

My main thought on the matter is that we probably need to have more information regarding the actual requirements, before a final call is made. The response below does not necessarily appear to be a definite determination.

I know as a practical matter, requiring each volunteer to fill out an I-9 would be time consuming, and real difficulty to collect and store as a record. For instance, how do we ensure that each volunteer properly fills out an I-9, that the form is adequately processed and stored? These are just a few of the obstacles we would face by requiring each volunteer to complete an I-9.

From the earlier email it sounded like their maybe some additional clarity that can be provided regarding the I-9 requirements. As with any type of requirement that has uncertainties we might want to look at as a management call regarding potential risk. Please let me know if I can be of assistance on the matter once so ever.

Thanks,
Robert

Robert Dengel
Legislative Coordinator
Washington State Department of Natural Resources
360 902-1014
360 902-1623 (After Friday the May 13th)
legsession@dnr.wa.gov

From: REDMOND, CHRISTINE (DNR)
Sent: Wednesday, May 11, 2011 4:34 PM
To: Waltenburg, Karen (PARKS); Hale, Kathy (PARKS); Sherlock, Stephen E (DFW)
Cc: DENGEL, ROBERT (DNR); MAUREN, MARK (DNR)
Subject: RE: Discover Pass Volunteer Language

HI ALL!

I am going to forward this to Robert Dengel and ask him to weigh-in. We discussed it this morning and he has a different take.

Robert: where do we go from here with this topic? (Please "reply to all") For all of the reasons we discussed this is completely impractical. State law is that an individual can receive up to \$500.00 and they are still considered a "volunteer". Does that help our argument at all?

THANKS!

Christine Redmond
Volunteer Program and Grant Coordinator
Washington State Department of Natural Resources
360 / 902-1632
www.dnr.wa.gov

From: Waltenburg, Karen (PARKS)
Sent: Wednesday, May 11, 2011 4:29 PM
To: REDMOND, CHRISTINE (DNR); Hale, Kathy (PARKS); Sherlock, Stephen E (DFW)
Subject: FW: Discover Pass Volunteer Language

Not the response we were hoping for. I'm going to take this email to the implementation team meeting tomorrow and I'll report back to you three with their reaction.

Thanks and sorry for having to pass on the news.

Karen Waltenburg
Phone: (360) 902-8649
[*karen.waltenburg@parks.wa.gov*](mailto:karen.waltenburg@parks.wa.gov)

From: Sterling, Christy (PARKS)
Sent: Wednesday, May 11, 2011 3:46 PM
To: Waltenburg, Karen (PARKS)
Subject: FW: Discover Pass Volunteer Language

Hi Karen —

Please see the response below from our Labor and Personnel AAG.

Christy

From: Sheehan, Janetta (ATG)
Sent: Wednesday, May 11, 2011 3:44 PM
To: Sterling, Christy (PARKS)
Subject: RE: Discover Pass Volunteer Language

Attorney-Client Privilege/Work-Product

Jenny Sheehan
Janetta E. Sheehan
Assistant Attorney General
Labor & Personnel Division
7141 Cleanwater Drive SW
MS 40145, Olympia 98504
(360) 664-4177
FAX 664-4170
e-mail: janettas@atg.wa.gov

Please save paper by printing only when necessary.

Attorney-Client Privileged Communication and/or Attorney Work Product.

Do not copy, disseminate, forward, or divulge the contents of this communication to anyone but addressee.

From: Sterling, Christy (PARKS)
Sent: Monday, May 09, 2011 4:32 PM
To: Sheehan, Janetta (ATG)
Cc: Price, George (PARKS)
Subject: FW: Discover Pass Volunteer Language

Hi Jenny –

As you may know, the Governor is supposed to be signing a bill for our new Discover Pass on Thursday. The bill includes language regarding a complimentary pass for people who volunteer 24 hours (see lines 31-36 on the attached).

Attorney-Client Privilege/Work-Product

Thank you,

Christy

From: Waltenburg, Karen (PARKS)
Sent: Monday, May 09, 2011 10:02 AM

To: Sterling, Christy (PARKS)

Subject: Discover Pass Volunteer Language

Hello Christy,

Attached is the page from the Legislation about redeeming volunteer vouchers for a complimentary Discover Pass, see Sec. 3(8).

Thank you and please let me know if you have any questions.

Karen

Karen Waltenburg

Phone: (360) 902-8649

karen.waltenburg@parks.wa.gov

Lowe, Jessica

From: BETTS, PATRICIA (DNR)
Sent: Friday, June 03, 2011 9:45 AM
To: MAUREN, MARK (DNR)
Cc: DENGEL, ROBERT (DNR); Krueger, Pamela (DNR)
Subject: RE: Discover Pass

Hello Mark,

I spoke with Pamela and we agree: "designating" DNR lands for the purpose of identifying lands which need a Discover Pass is exempt from SEPA review.

WAC 197-11-800 (19) Procedural actions.

The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environmental shall be exempt. (*underline added*)

It wouldn't matter if you do that through rule, commissioner's order, or administratively. IF you make other decisions at the same time, those might not be exempt because they could contain "substantive standards". For example, if as part of the designation process you decide to make lands open to the public that were previously prohibited to the public or just want to change what uses are allowed, SEPA could be required due to those actions. So, keep SEPA in mind as you move forward; it is fine to check back again when you have something developed.

Just an FYI. Also we believe, identifying lands that need a Discover Pass, is going to trigger those lands as having an authorized public use. Any lands that do not currently have physical improvements (signs, trails, parking areas), or are not promoted by us for public use, aren't typically defined as having an authorized public use. So, this may change the "authorized public use" status of some lands. This does not change my advice above though about whether you need to conduct SEPA on your "designation" action.

Thanks for checking in. Let me know if you have more questions.

Patricia Betts
SEPA Program Manager
Washington State Department of Natural Resources
1111 Washington St. SE
P.O. Box 98504-7015, Olympia, WA 98504-7015
360-902-1633

From: MAUREN, MARK (DNR)
Sent: Friday, June 03, 2011 8:28 AM
To: BETTS, PATRICIA (DNR)
Cc: DENGEL, ROBERT (DNR)
Subject: FW: Discover Pass

Hi Patty

Here is the e-mail I sent to Robert so you are not hit cold with the SEPA question.

Thanks for your help!

Mark

From: MAUREN, MARK (DNR)
Sent: Friday, June 03, 2011 8:20 AM

To: Packard, Heath (DNR); Flint, Bryan (DNR); SPRAGUE, CLAY (DNR)
Cc: SAUNDERS, STEPHEN (DNR); DENGEL, ROBERT (DNR); MAUREN, MARK (DNR)
Subject: RE: Discover Pass

Hi Robert

Can you look into the three mechanisms that Heath mentioned in his e-mail below. Look at legal strength of each approach, timeframe, cost and level of public involvement needed and recommended. In doing so keep in mind that the "Multiple Use Law" already recognizes that all trust lands managed by the department are open and available for recreational purposes. Reread the authorities that the Commissioner has to issue "Commissioner Orders", I think they are pretty broad and they have been traditionally done to designate lands (Aquatic Reserves, Gene Pool Reserves, Recreation sites and trails) and talk with Patty in the SEPA center to see if we need to do SEPA or not given the above authorities.

Thanks

Mark

Clay/Mark,

Met with some legislative committee and caucus staff today. They were suggesting that we tie in with our AAG to see if our "agency designation" of recreation lands should be done by rule, done by commissioners order, or could be done by staff administratively.

While I'm not particularly enamored with rule-making to do this, it could give us some good cover in future legislative discussions. I advise you to inquire with the AAG and then for our Rec. Team to discuss it. In the end, I think that we need to have the Commissioner make the call as to how we're going to officially "designate" the 74 landscapes that you want to designate. If we overreach, we can count on the legislature slapping our hands. Let's be cautious and deliberate about this one.

Thanks.

Heath Packard
Director of Legislative & External Affairs
Office of the Commissioner of Public Lands
Department of Natural Resources
360.902.1015 desk
360.790.2672 cell
heath.packard@dnr.wa.gov

Lowe, Jessica

From: Krueger, Pamela (DNR)
Sent: Wednesday, June 08, 2011 3:40 PM
To: BETTS, PATRICIA (DNR)
Subject: FW: Designating DNR Recreation Areas for Purposes of the Discover Pass Bill

FYI.

Pamela W. Krueger
Washington State Department of Natural Resources

From: Rollinger, Michael (ATG)
Sent: Wednesday, June 08, 2011 3:25 PM
To: DENGEL, ROBERT (DNR)
Cc: MAUREN, MARK (DNR); SAUNDERS, STEPHEN (DNR); SPRAGUE, CLAY (DNR); Packard, Heath (DNR); Krueger, Pamela (DNR)
Subject: Designating DNR Recreation Areas for Purposes of the Discover Pass Bill

Confidential Attorney-Client Privileged Communication

Note: this communication is intended only for the addressee(s) shown above. It may contain information that is privileged, confidential, or otherwise protected from disclosure. Any review, dissemination, or use of this communication or its contents by persons other than the addressee is strictly prohibited. If you have received this communication in error, please notify me immediately.

Attorney-Client Privilege/Work-Product

Attorney-Client Privilege/Work-Product

Michael J. Rollinger
Asst. Attorney General
Natural Resources Division
(360) 664-8519
michaelr1@atg.wa.gov

Lowe, Jessica

From: DENGEL, ROBERT (DNR)
Sent: Tuesday, February 01, 2011 2:20 PM
To: MAUREN, MARK (DNR)
Subject: FW: 3 Agency Recreation Pass

From: Smith, Adrienne (ATG)
Sent: Tuesday, February 01, 2011 2:19 PM
To: DENGEL, ROBERT (DNR)
Subject: RE: 3 Agency Recreation Pass

This message protected by the attorney-client privilege and should not be disclosed.

Attorney-Client Privilege/Work-Product

Adrienne Smith
Assistant Attorney General
1125 Washington St. SE
Olympia, WA 98504-0100
(360)586-3204
FAX (360)586-2756

From: DENGEL, ROBERT (DNR)
Sent: Tuesday, February 01, 2011 9:19 AM
To: Smith, Adrienne (ATG)
Subject: RE: 3 Agency Recreation Pass

Thank you. I appreciate you working with the tight deadline. There is a meeting today in three hours to go over our suggested changes. That is when we will have to have everything buttoned up.

-Robert

Robert Dengel

Legislative Coordinator
Washington State Department of Natural Resources
360 902-1014
legsession@dnr.wa.gov

From: Smith, Adrienne (ATG)
Sent: Tuesday, February 01, 2011 9:14 AM
To: DENGEL, ROBERT (DNR)
Cc: Packard, Heath (DNR); MAUREN, MARK (DNR)
Subject: 3 Agency Recreation Pass

This message is protected by the attorney-client privilege and should not be disclosed.

Attorney-Client Privilege/Work-Product

. . Adrienne Smith
Assistant Attorney General
1125 Washington St. SE
Olympia, WA 98504-0100
(360)586-3204
FAX (360)586-2756

Lowe, Jessica

From: Smith, Adrienne (ATG)
Sent: Tuesday, February 01, 2011 10:56 AM
To: DENGEL, ROBERT (DNR)
Cc: Packard, Heath (DNR); MAUREN, MARK (DNR)
Subject: 3 Agency Recreation Pass bill

This message is protected by the attorney-client privilege and should not be disclosed.

Attorney-Client Privilege/Work-Product

Lowe, Jessica

From: Smith, Adrienne (ATG)
Sent: Monday, January 31, 2011 11:47 AM
To: Packard, Heath (DNR); MAUREN, MARK (DNR); DENGEL, ROBERT (DNR)
Subject: 3 Agency Recreation Pass draft

Heath, Mark and Robert-

Attorney-Client Privilege/Work-Product

Adrienne Smith
Assistant Attorney General
1125 Washington St. SE
Olympia, WA 98504-0100
(360)586-3204
FAX (360)586-2756

Lowe, Jessica

From: DROSCHER, TONI (DNR)
Sent: Monday, February 28, 2011 12:44 PM
To: Quan, Jennifer L (DFW); Painter, Virginia (PARKS); Ainscough, Margaret (DFW)
Cc: MAUREN, MARK (DNR); Larson, Ann (DFW)
Subject: RE: Slight revision: comments on disco pass factsheet

Of course the first reference for ORVs should be spelled out. Sorry I missed that...

Toni W. Droscher
Recreation Program Communications Manager
Washington State Department of Natural Resources
PO Box 47014
Olympia, WA 98504
360-902-1523
www.dnr.wa.gov

From: Quan, Jennifer L (DFW)
Sent: Monday, February 28, 2011 12:28 PM
To: DROSCHER, TONI (DNR); Painter, Virginia (PARKS); Ainscough, Margaret (DFW)
Cc: MAUREN, MARK (DNR); Larson, Ann (DFW)
Subject: RE: Slight revision: comments on disco pass factsheet

This works for me.

From: DROSCHER, TONI (DNR)
Sent: Monday, February 28, 2011 12:15 PM
To: Painter, Virginia (PARKS); Ainscough, Margaret (DFW)
Cc: MAUREN, MARK (DNR); Quan, Jennifer L (DFW); Larson, Ann (DFW)
Subject: Slight revision: comments on disco pass factsheet
Importance: High

Just one slight revision – I moved the ORV exemption sentence to the first paragraph:

REVISED LANGUAGE

• The Discover Pass will be required for **vehicle access** to recreation on state lands owned or managed by WDFW, DNR, and State Parks. Off-road Vehicles (ORVs) such as ATVs or dirt bikes that are required to have ORV tabs **are exempt** from the Discover Pass.

Recreation includes:

- Non-motorized use, including hiking, mountain biking, horse and pack stock.
- Motorized use, including off-road vehicles (ORVs) such as single-track/motorcycles, quads or all-terrain vehicles (ATVs), four-wheel-drives/4x4s, and snowmobiles.
- Dispersed recreation, including hunting, fishing, paragliding, mushroom, brush and berry gathering.
- Some camping and boat launching.

Toni W. Droscher

Recreation Program Communications Manager
Washington State Department of Natural Resources
PO Box 47014
Olympia, WA 98504
360-902-1523
www.dnr.wa.gov

From: DROSCHER, TONI (DNR)
Sent: Monday, February 28, 2011 9:42 AM
To: Ainscough, Margaret (DFW); MAUREN, MARK (DNR); Painter, Virginia (PARKS)
Cc: Quan, Jennifer L (DFW); Larson, Ann (DFW)
Subject: RE: comments on disco pass factsheet
Importance: High

Here's my suggested revision. Mark: Please be sure to review this, too.

ORIGINAL FACT SHEET LANGUAGE:

The Discover Pass will be required for recreation access on state lands owned or managed by WDFW, DNR, and State Parks, including but not limited to:

- Non-motorized use. (ex. hiking, mountain biking, horse and pack stock)
- Motorized use. (ex. off-road vehicles (ORVs) such as single-track/motorcycles, quads/ATVs, four-wheel-drives/4x4s, and snowmobiles.) Note: Vehicles such as quads or dirt bikes that need off-road vehicle (ORV) tabs are exempt from purchasing a Discover Pass. The vehicle that trailers these ORVs to state lands will need a Discover Pass.
- Dispersed recreation. (ex. hunting, fishing, paragliding, mushroom, brush and berry gathering)
- Some camping and boat launching

REVISED LANGUAGE

- The Discover Pass will be required for **vehicle access** to recreation on state lands owned or managed by WDFW, DNR, and State Parks.

Recreation includes:

- Non-motorized use, including hiking, mountain biking, horse and pack stock.
- Motorized use, including off-road vehicles (ORVs) such as single-track/motorcycles, quads or all-terrain vehicles (ATVs), four-wheel-drives/4x4s, and snowmobiles.
- Dispersed recreation, including hunting, fishing, paragliding, mushroom, brush and berry gathering.
- Some camping and boat launching.

ORVs such as ATVs or dirt bikes that are required to have ORV tabs **are exempt** from the Discover Pass.

Toni W. Droscher
Recreation Program Communications Manager
Washington State Department of Natural Resources
PO Box 47014
Olympia, WA 98504

From: Ainscough, Margaret (DFW)
Sent: Friday, February 25, 2011 4:35 PM
To: DROSCHER, TONI (DNR); MAUREN, MARK (DNR); Painter, Virginia (PARKS)
Cc: Quan, Jennifer L (DFW); Larson, Ann (DFW)
Subject: FW: comments on disco pass factsheet

All,

Please see our AAG's comments on the factsheet—Toni, this is the section you provided. Do you want to send me an edited version?

From: McLeod, Kathryn (ATG)
Sent: Friday, February 25, 2011 4:29 PM
To: Ainscough, Margaret (DFW)
Cc: Larson, Ann (DFW)
Subject: comments on disco pass factsheet

Margaret,

Attorney-Client Privilege/Work-Product

Thanks for considering my comments,
Kathryn

From: Ainscough, Margaret (DFW)
Sent: Friday, February 25, 2011 4:13 PM
To: McLeod, Kathryn (ATG)
Subject: link to access factsheet

Kathryn,

Here's the link to the access pass factsheet:

http://wdfw.wa.gov/about/legislative/fact_sheets/joint_access.pdf

MURPHY, PEGGY (DNR)

From: DROSCHER, TONI (DNR)
Sent: Monday, May 09, 2011 4:49 PM
To: DENGEL, ROBERT (DNR); MAUREN, MARK (DNR)
Subject: RE: Question on FAQs

Thanks guys.

Toni W. Droscher
Recreation Program Communications Manager
Washington State Department of Natural Resources
PO Box 47014
Olympia, WA 98504
360-902-1523
www.dnr.wa.gov

From: DENGEL, ROBERT (DNR)
Sent: Monday, May 09, 2011 4:18 PM
To: MAUREN, MARK (DNR); DROSCHER, TONI (DNR)
Subject: RE: Question on FAQs

Hi Toni,

I would just phrase it this way, if you are doing business with the agency, either with a lease, easement, license or other contract you will not need a Discover Pass. As a technical aside this rule is provided in Sec 9(3)(a) of the bill. Mark's examples below are examples of folks who are not doing business with the agency and need to have a Disco Pass. Hope that answers the question.

Thanks,
Robert

From: MAUREN, MARK (DNR)
Sent: Monday, May 09, 2011 4:12 PM
To: DROSCHER, TONI (DNR); DENGEL, ROBERT (DNR)
Subject: RE: Question on FAQs

Hi Toni

We are ok, we have commercial firewood cutters, brush pickers, bough cutters all three of which we offer to the public as a recreational opportunity.

Mark

From: DROSCHER, TONI (DNR)
Sent: Monday, May 09, 2011 3:46 PM
To: MAUREN, MARK (DNR); DENGEL, ROBERT (DNR)
Subject: FW: Question on FAQs

Mark, Robert:

Can you read the statement from the ATG's office below and let me know what you think?

Toni W. Droscher
Recreation Program Communications Manager
Washington State Department of Natural Resources
PO Box 47014
Olympia, WA 98504
360-902-1523
www.dnr.wa.gov

From: Ainscough, Margaret (DFW)
Sent: Monday, May 09, 2011 3:42 PM
To: Flint, Bryan (DNR); DROSCHER, TONI (DNR); Painter, Virginia (PARKS)
Subject: FW: Question on FAQs

This sounds like one for you folks

Margaret Ainscough
Public Affairs Director
Washington Department of Fish and Wildlife
600 Capitol Way N.
Olympia WA 98501
(360) 902-2408 (office)
(360) 489-2643 (cell)
margaret.ainscough@dfw.wa.gov

From: Panesko, Joe (ATG)
Sent: Monday, May 09, 2011 3:38 PM
To: Ainscough, Margaret (DFW)
Cc: Dahmer, Paul A (DFW)
Subject: RE: Please review: FAQs

Attorney-Client Privilege/Work-Product

Joe Panesko [<mailto:joep@atg.wa.gov>]
Washington State Assistant Attorney General
Fish, Wildlife & Parks Division
(360) 586-0643

From: Ainscough, Margaret (DFW)
Sent: Monday, May 09, 2011 1:30 PM
To: DFW DL EMT; Panesko, Joe (ATG)
Subject: FW: Please review: FAQs

Here's the draft Discover Pass FAQs; we are clarifying wording about hunter-fisher exemptions. Please send other comments to me today.

Margaret Ainscough
Public Affairs Director
Washington Department of Fish and Wildlife
600 Capitol Way N.
Olympia WA 98501
(360) 902-2408 (office)
(360) 489-2643 (cell)
margaret.ainscough@dfw.wa.gov

From: DROSCHER, TONI (DNR)
Sent: Thursday, May 05, 2011 3:38 PM
To: Flint, Bryan (DNR); Ainscough, Margaret (DFW); Painter, Virginia (PARKS); Williams, Todd J (DFW)
Subject: Please review: FAQs

Here are the re-worded FAQs. I'll have to plug in the phone number once that gets sorted out.

I'm open to any suggestions for grouping these under headings... much like the "exceptions" heading. Then, Sandy can make some quick links to the headings for people to easily find what they're looking for.

Toni W. Droscher
Recreation Program Communications Manager
Washington State Department of Natural Resources
PO Box 47014
Olympia, WA 98504
360-902-1523
www.dnr.wa.gov

Lowe, Jessica

From: Smith, Adrienne (ATG)
Sent: Wednesday, February 23, 2011 11:32 AM
To: DENGEL, ROBERT (DNR); Packard, Heath (DNR); MAUREN, MARK (DNR)
Subject: Discover Pass - PSSB 5622

This message is protected by the attorney-client privilege and should not be disclosed.

Attorney-Client Privilege/Work-Product

Adrienne Smith
Assistant Attorney General
1125 Washington St. SE
Olympia, WA 98504-0100
(360)586-3204
FAX (360)586-2756

MURPHY, PEGGY (DNR)

From: MAUREN, MARK (DNR)
Sent: Wednesday, May 11, 2011 9:35 AM
To: Waltenburg, Karen (PARKS); Sternback, Mike (PARKS); Dahmer, Paul A (DFW); Quan, Jennifer L (DFW)
Cc: PRADO, LUIS (DNR)
Subject: RE: Discovery Pass

Hi Karen

I think if we can work out the details tomorrow Luis can take that and generate a Hang Tag for each agency to get internal feedback on.

Mark

From: Waltenburg, Karen (PARKS)
Sent: Wednesday, May 11, 2011 9:33 AM
To: MAUREN, MARK (DNR); Sternback, Mike (PARKS); Dahmer, Paul A (DFW); Quan, Jennifer L (DFW)
Cc: PRADO, LUIS (DNR)
Subject: RE: Discovery Pass

<< File: 1845_001.pdf >>

We spoke briefly during last week's implementation team meeting about the hang tags for contractors, volunteers, etc. Attached is what State Parks used when the parking pass was in effect. This form was created by Majar Ignacio and is ordered by Joe Rogoski (both State Park employees) through DOP and fulfilled by Correctional Industries.

I will add this to tomorrow's implementation team meeting agenda for further discussion. Do we want to ask Luis to work on a mock up prior to the meeting tomorrow or just work with what we have for now?

Thank you

Karen Waltenburg
Phone: (360) 902-8649
karen.waltenburg@parks.wa.gov

From: MAUREN, MARK (DNR)
Sent: Tuesday, May 10, 2011 1:34 PM
To: Waltenburg, Karen (PARKS); Sternback, Mike (PARKS); Dahmer, Paul A (DFW); Quan, Jennifer L (DFW)
Cc: PRADO, LUIS (DNR)
Subject: RE: Discovery Pass

Hi Folks

Two things

- I think that that this is a much bigger issue for State Parks and if we wanted to be consistent I would defer to Mike for what would work for State Parks. If we are left on our own I would recommend 15 minutes.....our outhouses are not ones that people linger in....if you know what I mean.
- Hangers for contractors/lessees and volunteers – When do we have to have our order in by? I can have Luis mock one up if you are interested in seeing what we are thinking about?

Thoughts?

Mark

From: Waltenburg, Karen (PARKS)

Sent: Tuesday, May 10, 2011 1:07 PM

To: Sternback, Mike (PARKS); MAUREN, MARK (DNR); Dahmer, Paul A (DFW); Quan, Jennifer L (DFW)

Subject: FW: Discovery Pass

FYI from Jim Schwartz on 30-minute parking. Will each agency want to enforce something less than 30 minutes? Is it a good idea to enforce a shorter time? Signs will need to be ordered designating the parking applicable to the 30-minute time limit. More discussion needed?

Karen Waltenburg

Phone: (360) 902-8649

karen.waltenburg@parks.wa.gov

From: Schwartz, Jim (ATG)

Sent: Monday, May 09, 2011 5:51 PM

To: Waltenburg, Karen (PARKS)

Subject: Discovery Pass

You asked the following questions:

Attorney-Client Privilege/Work-Product

James R. Schwartz
Assistant Attorney General
Fish, Wildlife & Parks Division
1125 Washington Street SE
P.O. Box 40100
Olympia, Washington 98504-0100
Phone: (360) 586-4034
Fax: (360) 586-3454
Email: jims@atg.wa.gov
Legal Assistant: Brandyn Brockman – (360) 664-9155

Lowe, Jessica

From: MAUREN, MARK (DNR)
Sent: Monday, February 28, 2011 11:18 AM
To: Quan, Jennifer L (DFW)
Subject: RE: comments on disco pass factsheet

I know the feeling ☺

From: Quan, Jennifer L (DFW)
Sent: Monday, February 28, 2011 10:16 AM
To: MAUREN, MARK (DNR)
Subject: RE: comments on disco pass factsheet

Never mind – I was reading this to mean that the vehicle hauling the ORVs were exempt..... having a slow start up this morning.

From: MAUREN, MARK (DNR)
Sent: Monday, February 28, 2011 9:55 AM
To: Quan, Jennifer L (DFW)
Subject: RE: comments on disco pass factsheet

Hi Jennifer

The pass was never meant to include the individual ORV (Motorcycle or ATV) it was for the vehicle transporting the ORV to state land.....this hasn't changed. The transport vehicle would still need to pay. The licensed street legal dual sport motorcycle however will need to purchase a pass.

Mark

From: Quan, Jennifer L (DFW)
Sent: Monday, February 28, 2011 9:45 AM
To: MAUREN, MARK (DNR)
Subject: FW: comments on disco pass factsheet
Importance: High

Can you help me with the last sentence?

ORVs such as ATVs or dirt bikes that are required to have ORV tabs **are exempt** from the Discover Pass.

Haven't seen this yet in any bill language – just thinking about FN impacts.... Have you all done the analysis on this?

From: DROSCHE, TONI (DNR)
Sent: Monday, February 28, 2011 9:42 AM
To: Ainscough, Margaret (DFW); MAUREN, MARK (DNR); Painter, Virginia (PARKS)
Cc: Quan, Jennifer L (DFW); Larson, Ann (DFW)
Subject: RE: comments on disco pass factsheet
Importance: High

Here's my suggested revision. Mark: Please be sure to review this, too.

ORIGINAL FACT SHEET LANGUAGE:

The Discover Pass will be required for recreation access on state lands owned or managed by WDFW, DNR, and State Parks, including but not limited to:

- Non-motorized use. (ex. hiking, mountain biking, horse and pack stock)
- Motorized use. (ex. off-road vehicles (ORVs) such as single-track/motorcycles, quads/ATVs, four-wheel-drives/4x4s, and snowmobiles.) Note: Vehicles such as quads or dirt bikes that need off-road vehicle (ORV) tabs are exempt from purchasing a Discover Pass. The vehicle that trailers these ORVs to state lands will need a Discover Pass.
- Dispersed recreation. (ex. hunting, fishing, paragliding, mushroom, brush and berry gathering)
- Some camping and boat launching

REVISED LANGUAGE

- The Discover Pass will be required for **vehicle access** to recreation on state lands owned or managed by WDFW, DNR, and State Parks.

Recreation includes:

- Non-motorized use, including hiking, mountain biking, horse and pack stock.
- Motorized use, including off-road vehicles (ORVs) such as single-track/motorcycles, quads or all-terrain vehicles (ATVs), four-wheel-drives/4x4s, and snowmobiles.
- Dispersed recreation, including hunting, fishing, paragliding, mushroom, brush and berry gathering.
- Some camping and boat launching.

ORVs such as ATVs or dirt bikes that are required to have ORV tabs **are exempt** from the Discover Pass.

Toni W. Droscher
Recreation Program Communications Manager
Washington State Department of Natural Resources
PO Box 47014
Olympia, WA 98504
360-902-1523
www.dnr.wa.gov

From: Ainscough, Margaret (DFW)
Sent: Friday, February 25, 2011 4:35 PM
To: DROSCHER, TONI (DNR); MAUREN, MARK (DNR); Painter, Virginia (PARKS)
Cc: Quan, Jennifer L (DFW); Larson, Ann (DFW)
Subject: FW: comments on disco pass factsheet

All,

Please see our AAG's comments on the factsheet—Toni, this is the section you provided. Do you want to send me an edited version?

From: McLeod, Kathryn (ATG)
Sent: Friday, February 25, 2011 4:29 PM
To: Ainscough, Margaret (DFW)
Cc: Larson, Ann (DFW)
Subject: comments on disco pass factsheet

Lowe, Jessica

From: DENGEL, ROBERT (DNR)
Sent: Thursday, March 10, 2011 10:30 AM
To: Packard, Heath (DNR); MAUREN, MARK (DNR)
Subject: RE: WDFW Discover Pass Amendments

Importance: High

Hello Heath and Mark,

I think we need to respond back saying that we concur with Ann Larson. Our response to Jim King's edited bill was very clear on this matter and is consistent with Ann's position. We definitely do not want to go the direction Brian Hovis is suggesting as it could result in problems for the bills enforceability.

Thanks,
Robert

Robert Dengel
Legislative Coordinator
Washington State Department of Natural Resources
360 902-1014
legsession@dnr.wa.gov

From: Packard, Heath (DNR)
Sent: Thursday, March 10, 2011 10:10 AM
To: DENGEL, ROBERT (DNR); MAUREN, MARK (DNR)
Subject: FW: WDFW Discover Pass Amendments

FYI – let me know if this is an issue or not...I'm not tracking.

Heath Packard
Director of Legislative & External Affairs
Office of the Commissioner of Public Lands
Department of Natural Resources
360.902.1015 desk
360.790.2672 cell
heath.packard@dnr.wa.gov

From: Larson, Ann (DFW)
Sent: Thursday, March 10, 2011 9:47 AM
To: Hovis, Brian (PARKS)
Cc: Packard, Heath (DNR)
Subject: RE: WDFW Discover Pass Amendments

Brian,

It appears Chief Ingram's suggested edits below may have been triggered by the attached statute. But, we are not dealing with motor vehicle infractions, instead, these are natural resource infractions. Under RCW 7.84.030(4) and IRLJ 2.2(2)(c) (2), a citation can be left on the car if it is a violation of a standing, parking or stopping statute. Existing WDFW

law, RCW 77.32.380, provides an example of the vehicle permit on WDFW improved access facilities. Existing law does not have this “presumption”.

After extensive discussion with our AAG and Enforcement, we do not believe we need to add a statement like that found in RCW 46.63.140 as reworded below.

I hope this helps. Please let me know if you have any additional questions.

Ann Larson
Legislative Liaison
WDFW

Ann Larson | Legislative Affairs | Washington Department of Fish and Wildlife | (p) 360.902.2226 | (f) 360.902.2947

From: Hovis, Brian (PARKS)
Sent: Tuesday, March 08, 2011 5:27 PM
To: Larson, Ann (DFW)
Cc: Packard, Heath (DNR)
Subject: WDFW Discover Pass Amendments

Ann,

Our chief of law enforcement had the following comment about the WDFW amendments to the bill. I was wondering if you had raised the issue with your assistant attorney general or Chief Bjork.

It appears to me that no prima facia clause currently exists in the bill language. Without a statement to the effect of “*Registered owners shall be responsible for violations of State Land Access Permit requirements. It shall be no defense that the vehicle the registered owner was not the person using the vehicle when it entered a State Land Access Permit Area, unless it is clearly established that at such time the vehicle was being used without the consent of the registered owner*”, there appears to be no valid mechanism to ticket an unattended vehicle. As with unattended parking infractions, this bill should include language affirming an officer’s ability to ticket the registered owner. . . but it does not currently appear to do this.

Lowe, Jessica

From: REDMOND, CHRISTINE (DNR)
Sent: Monday, May 16, 2011 9:15 AM
To: Hale, Kathy (PARKS)
Subject: RE: Discover Pass Volunteer Language

Thanks Kathy!

I am unable to find ANY agency that asks this of their volunteers. Many of those I looked at on-line went out of their way to stipulate that employees were NOT to ask volunteers to complete I-9's. I have been told this is being taken care of at a higher level and that we don't have to worry about it anymore. YAY! ☺

Christine Redmond
Volunteer Program and Grant Coordinator
Washington State Department of Natural Resources
360 / 902-1632
www.dnr.wa.gov

From: Hale, Kathy (PARKS)
Sent: Monday, May 16, 2011 9:13 AM
To: REDMOND, CHRISTINE (DNR); Sherlock, Stephen E (DFW)
Cc: Waltenburg, Karen (PARKS)
Subject: RE: Discover Pass Volunteer Language

Hi Christine,

Thanks for this. In addition, I found documentation from Olympic National Park stating they don't require I-9 for volunteers. They do require the W-9 for any reimbursements they provide to volunteers. I'm passing that info to Karen for her conversation with AAG.

Kathy

From: REDMOND, CHRISTINE (DNR)
Sent: Monday, May 16, 2011 8:09 AM
To: DENGEL, ROBERT (DNR); Waltenburg, Karen (PARKS); Hale, Kathy (PARKS); Sherlock, Stephen E (DFW)
Cc: MAUREN, MARK (DNR)
Subject: RE: Discover Pass Volunteer Language

HI ALL!

More fuel for the I-9 conversation...

I'm not sure if everyone is aware of what an I-9 entails. I have attached a PDF to this email which includes the form and instructions for completing it. It is not a form that is simply filled out by a volunteer. The I-9 process involves an agency employee examining multiple sources of personal identification for each individual completing one. This means that if volunteers had to complete I-9's, they would need to bring multiple sources of personal identification to a work party in order to complete the process before they could volunteer.

Also, just to clarify a statement I made in a prior email about the definition of volunteer, this is from RCW 4.24.670:

e) "Volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, other than reasonable reimbursement or allowance for expenses actually incurred, or any other thing of value, in excess of five hundred dollars per year. "Volunteer" includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

Christine Redmond
Volunteer Program and Grant Coordinator
Washington State Department of Natural Resources
360 / 902-1632
www.dnr.wa.gov

From: DENGEL, ROBERT (DNR)
Sent: Thursday, May 12, 2011 10:35 AM
To: REDMOND, CHRISTINE (DNR); Waltenburg, Karen (PARKS); Hale, Kathy (PARKS); Sherlock, Stephen E (DFW)
Cc: MAUREN, MARK (DNR)
Subject: RE: Discover Pass Volunteer Language

Hello everyone,

My main thought on the matter is that we probably need to have more information regarding the actual requirements, before a final call is made. The response below does not necessarily appear to be a definite determination.

I know as a practical matter, requiring each volunteer to fill out an I-9 would be time consuming, and real difficulty to collect and store as a record. For instance, how do we ensure that each volunteer properly fills out an I-9, that the form is adequately processed and stored? These are just a few of the obstacles we would face by requiring each volunteer to complete an I-9.

From the earlier email it sounded like their maybe some additional clarity that can be provided regarding the I-9 requirements. As with any type of requirement that has uncertainties we might want to look at as a management call regarding potential risk. Please let me know if I can be of assistance on the matter once so ever.

Thanks,
Robert

Robert Dengel
Legislative Coordinator
Washington State Department of Natural Resources
360 902-1014
360 902-1623 (After Friday the May 13th)
legsession@dnr.wa.gov

From: REDMOND, CHRISTINE (DNR)
Sent: Wednesday, May 11, 2011 4:34 PM
To: Waltenburg, Karen (PARKS); Hale, Kathy (PARKS); Sherlock, Stephen E (DFW)
Cc: DENGEL, ROBERT (DNR); MAUREN, MARK (DNR)
Subject: RE: Discover Pass Volunteer Language

HI ALL!

I am going to forward this to Robert Dengel and ask him to weigh-in. We discussed it this morning and he has a different take.

Lowe, Jessica

From: REDMOND, CHRISTINE (DNR)
Sent: Monday, May 16, 2011 8:14 AM
To: Sherlock, Stephen E (DFW)
Subject: RE: Discover Pass Volunteer Language

Hey Steve... sorry I missed your calls late last week. It sounds like you wanted to talk. I can give you a call as soon as I take care of a few things here this morning.

Christine Redmond
Volunteer Program and Grant Coordinator
Washington State Department of Natural Resources
360 / 902-1632
www.dnr.wa.gov

From: Sherlock, Stephen E (DFW)
Sent: Monday, May 16, 2011 8:14 AM
To: REDMOND, CHRISTINE (DNR)
Subject: RE: Discover Pass Volunteer Language

Wow Christine, thanks for the update.

Looks like the 1-9 process would really going to be almost impossible for our field staff to comply with. I sure hope that we are given an exemption from this process.

Steve

From: REDMOND, CHRISTINE (DNR)
Sent: Monday, May 16, 2011 8:09 AM
To: DENGEL, ROBERT (DNR); Waltenburg, Karen (PARKS); Hale, Kathy (PARKS); Sherlock, Stephen E (DFW)
Cc: MAUREN, MARK (DNR)
Subject: RE: Discover Pass Volunteer Language

HI ALL!

More fuel for the I-9 conversation...

I'm not sure if everyone is aware of what an I-9 entails. I have attached a PDF to this email which includes the form and instructions for completing it. It is not a form that is simply filled out by a volunteer. The I-9 process involves an agency employee examining multiple sources of personal identification for each individual completing one. This means that if volunteers had to complete I-9's, they would need to bring multiple sources of personal identification to a work party in order to complete the process before they could volunteer.

Also, just to clarify a statement I made in a prior email about the definition of volunteer, this is from RCW 4.24.670:
e) "Volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, other than reasonable reimbursement or allowance for expenses actually incurred, or any other thing of value, in excess of five hundred dollars per year. "Volunteer" includes a volunteer serving as a director, officer, trustee, or direct service volunteer.